

DEC 28 2006

REMARKS

Claims 1-17 and 21-23 are pending in the application. Claims 1-17 were rejected, but allowable subject matter was identified. Claims 1, 3, 4, 7, 9 and 10 are amended. Claims 18-20 are hereby cancelled, without prejudice, as directed to a non-elected invention. Claims 21-27 are added.

Restriction/Election

The restriction requirement and telephone election of Group and Species noted in the Office Action is acknowledged and affirmed. With regard to the species election, original claims 1-11, 14, 16 and 17 are readable on the elected species and claims 1, 8-11 and 14 are generic.

The indication in the Office Action that the elected species of the first material constitutes allowable subject matter is gratefully acknowledged. It is noted that the examiner has accordingly proceeded to consider additional species of the first material of the generic claims.

Examiner's Amendment

The Examiner's Amendment, for which authorization was given by Applicants' representative, is acknowledged and affirmed.

Priority

This application is a continuation-in-part of Application No. 10/686,189, as reflected on the first page of the specification and on the filing receipt.

Information Disclosure Statement

The Examiner's remarks regarding the Chu et al. and EP 0111213A2 references are acknowledged and affirmed.

Specification

The objections to the disclosure are noted and the references to the various US patent applications have been updated by amendment as requested.

Claim objections and rejections under 35 U.S.C. §112

Claims 3, 4 and 7 have been amended to address the noted objection and rejections under 35 U.S.C. §112, second paragraph. Support for the clarifying amendments to claims 3 and 4 can be found at page 12, lines 6-9 and page 15, lines 27-33, for example. Support for the clarifying amendment to claim 7 can be found at page 15, lines 15-20 and page 17, lines 16-21, for example. It is respectfully submitted that the scope of the affected claims is not narrowed by these amendments, but is merely clarified or altered. Withdrawal of the objection and rejections in view of these amendments is respectfully requested.

Claim rejections under 35 U.S.C. §102 and 103 and Allowable Subject Matter

Claims 1 and 3-12 are rejected under 35 U.S.C. §102(b) as being anticipated by US 5,314,765 to Bates (Bates '765). Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bates '765 in view of either US 5,569,520 to Bates (Bates '520) or US 6,025,094 to Visco et al. (Visco). Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates '765 in view of US 5,338,625 to Bates (Bates '625). Claims 6 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates '765 in view of US 6,485,622 to Fu (Fu). The indication in the Office Action that the elected species of the first material (the composite reaction product of Li with Cu_3N) constitutes allowable subject matter is gratefully acknowledged.

Without addressing the merits of the rejections at present, the claims have been amended to delete the recitation of LiN as a first material species in hopes of expediting prosecution and issuance of a patent for other allowable subject matter in the application. Since the pending claims no longer recite LiN as a first material, it is respectfully submitted that the §§102 and 103 rejections over Bates '765 are no longer applicable and their withdrawal is respectfully requested.

Further, independent claim 1 has been amended to more specifically recite the composition of the first material. The species indicated allowable (the composite reaction product of Li with Cu_3N) is a species of the newly recited composite reaction product of the active metal with a metal nitride. Support for this amendment of claim 1 is found, for example, at page 12, line 25 to page 13, line 6, and page 16, lines 12-26 where the reaction products of active metal and various precursors that react with Li to form a first material product are described and discussed, including the specific examples of P (red phosphorus), Cu_3N , SnN_x , Zn_3N_2 , FeN_x , CoN_x , aluminum nitride (AlN) and silicon nitride (Si_3N_4); and at page 19, lines 3-12 where the reaction of active metal (e.g., Li) with a wetting layer (e.g., Ag or Sn) coated on LiPON as the first material is described and discussed. It is respectfully submitted that the electrochemical device component as claimed with these first materials, which include the species already indicated allowable, is not taught or suggested by the prior art and is patentable. Dependent claims 9 and 10 have also been amended and claims 21-27 have been added to recite various more specific aspects of the claimed invention.

Double Patenting

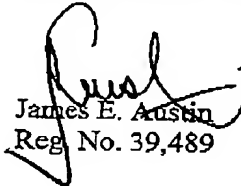
Claims 1-5, 8-10 and 14 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4, 6, 17-19 and 28 of copending Application No. 10/686,189. It is submitted that the present amendments to the claims pending in this application obviate this provisional statutory double patenting rejection since the claims in the two applications are no longer of the same scope. Applicants are committed to coordinating the prosecution of the noted applications to avoid statutory double patenting.

The provisional obviousness-type double patenting rejections in view of claims in the parent and child applications 10/686,189 and 10/772,228, respectively, are noted. Applicants propose to file Terminal Disclaimers in one or more of these applications, as appropriate, in order to obviate obviousness-type double patenting issues prior to the conclusion of prosecution.

Conclusion

Subject to the provision of an appropriate Terminal Disclaimer, as noted above, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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